

HOUSE BILL REPORT

SSB 5213

As Reported By House Committee On:

Education
Appropriations

Title: An act relating to record checks of private school educational employees.

Brief Description: Requiring record checks for employees of approved private schools who have regularly scheduled unsupervised access to children.

Sponsors: Senate Committee on Education (originally sponsored by Senators McAuliffe, Kohl-Welles and Costa).

Brief History:

Committee Activity:

Education: 3/18/99, 3/25/99 [DPA];
Appropriations: 4/1/99, 4/5/99 [DPA(ED)].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Requires approved private schools to obtain background/record checks through the Washington State Patrol (WSP) and Federal Bureau of Investigation (FBI) on employees hired on or after July 1, 1999, who will have unsupervised contact with children.
- Authorizes similar WSP/FBI checks on current employees.
- The private school or employee pays for the record checks.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended. Signed by 13 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen and Sump.

Staff: Charlie Gavigan (786-7340).

Background:

All children from 8 to 17 years old are required to attend public school unless they are enrolled in a private school, are receiving home-based instruction, are attending an education center, are excused by the school district superintendent under certain circumstances, or are at least 16 years old and emancipated.

Private schools must be approved by the State Board of Education and comply with certain statutory requirements. They must annually file a certification with the Superintendent of Public Instruction that the private school meets these minimum statutory requirements, and must develop a process to correct any deficiencies. These requirements include: (1) the school year consists of at least 180 school days; (2) all classroom teachers must be certificated by this state except for teachers of religion courses and others with unusual competence who are supervised by a certificated teacher; and (3) the school facilities must be adequate to meet the program offered by the school and meet reasonable health and safety requirements. Private schools must report information on their students required by the Superintendent of Public Instruction to the appropriate educational service district, and must comply with rules relating to private schools promulgated by the State Board of Education.

Persons who are state certificated, such as teachers, undergo a records check as part of the certification process.

Summary of Amended Bill:

All approved private schools must require employees who regularly have unsupervised access to children hired on or after July 1, 1999, to undergo a record check, including a fingerprint check, through the Washington State Patrol and the Federal Bureau of Investigation. Approved private schools may require current employees, those hired prior to July 1, 1999, to undergo record checks. The schools or the employees pay for these record checks. Applicants may be employed on a conditional basis pending completion of the record check.

Employees who had a records check as part of the state certification process are not required to have another check done.

Amended Bill Compared to Substitute Bill: The amendment authorizes approved private schools to require that current employees undergo record checks (paid for by the school or employee).

Appropriation: None.

Fiscal Note: Requested on March 10, 1999.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: Private schools need authority to obtain background checks on prospective employees, particularly access to FBI records, to protect the safety of children attending these schools. While the bill requires record checks for private school employees hired on or after July 1, 1999, it should also allow for record checks on current employees.

Testimony Against: None.

Testified: Steve Dinger, Washington Federation of Independent Schools; Eric Paige, Washington State Catholic Conference; and Karen Davis, Superintendent of Public Instruction.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on Education. Signed by 31 members: Representatives Huff, Republican Co-Chair; H. Sommers, Democratic Co-Chair; Alexander, Republican Vice Chair; Doumit, Democratic Vice Chair; D. Schmidt, Republican Vice Chair; Barlean; Benson; Boldt; Carlson; Clements; Cody; Crouse; Gombosky; Grant; Kagi; Keiser; Kenney; Kessler; Linville; Lisk; Mastin; McIntire; McMorris; Mulliken; Parlette; Regala; Rockefeller; Ruderman; Sullivan; Tokuda and Wensman.

Minority Report: Without recommendation. Signed by 1 member: Representative Lambert.

Staff: Denise Graham (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Education: No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: Bill contains and emergency clause and takes effect immediately.

Testimony For: The policy benefits of providing private schools with the ability to conduct background checks on their employees are obvious. The fiscal impact on the state is negligible or non-existent.

Testimony Against: None.

Testified: Eric Paige, Washington State Catholic Conference.